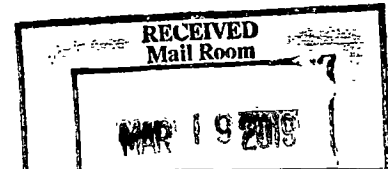


DISTRICT OF COLUMBIA



Assemble Diaspora Haitien,

Kurt Zamor, Haitiens vivant en Haiti,

Ville de St. Marc, Ville de Gonaives,

Vs.

Monarch Shipping Co. Ltd, In Personam,

Cindy Lou Teeters, United States Coast Guard,

United States Customs and Border Protection Agency,)

U.S Coast Guard Captain C.P Scraba, /

) Case: 1:19-cv-00760

) Assigned To : Unassigned

) Assign. Date : 03/19/2019

) Description: Pro Se Gen. Civ. (F-DECK)

) "Class Action Allegations"

COMPLAINT FOR NEGLIGENCE VIOLATION OF MARPOL PROTOCOL

STATEMENT OF JURISDICTION

This complaint is within the jurisdiction of the Federal Court because the actions of Monarch Shipping Co. Ltd are in violation of a United States treaty " The International Convention for the safety of Life at Sea, Nov 1, 1974, 1184 U.N.T.S 278 and the International Convention for the prevention of Pollution from Ships ("MARPOL"), Nov 11, 1973, 1340 U.N.T.S, 184 and the protocol thereto, feb 17, 1978, 1340 U.N.T.S 61 ("MARPOL Protocol").

This complaint is also an admiralty/maritime claim within the meaning of F.R.C.P rule 9(h).

STATEMENT OF FACTS

The facts here are undisputed. The facts derive from judicial procedures from pleadings in the Southern District of Florida case No. 13-80661-CIV-Marra/Matthewman. On June 5, 2013, five United States Coast Guard officers who were members of the Coast Guard's Marine Safety Detachment at Lake Worth Inlet, boarded a vessel "Monarch Empress" in order to conduct a port state control inspection. While conducting the port state inspection, the officers saw a portable pump in the engine room that was not part of the vessel's fixed equipment. According to the Coast Guard, the Vessel's Chief Engineer

as well as a subordinate, admitted to Coast Guard personnel that they used the portable pump to decant "bilge water" directly overboard while in Haitian port. They further admitted that on approximately 30 occasions between mid-2011 and May 2013, they pumped liquid from the ship's bilges directly into the sea, without first using the ship's oily water separator system to separate the oil from the water.

The Vessel is required by International treaty and Federal law to maintain an accurate oil record book in which the discharge overboard, or disposal otherwise, of bilge waste is recorded. Again on June 6 2013 the Coast Guard boarded the Vessel and obtained oil record book and a book that recorded its Global Positioning System (GPS) positions.

Because of the importance of the findings, the Coast Guard again returned on June 7 2013 and continued its port state inspection. On that date the Coast Guard completed its inspection and issued a report. The report noted that the Vessel suffered from a number of deficiencies in violation of the International Convention for the Safety of Life at Sea, Nov 1, 1974, 1184 U.N.T.S 278 and the International Convention for the Prevention of Pollution from Ships ("MARPOL"), Nov 11, 1973, 1340 U.N.T.S 184 and the Protocol thereto Feb 17, 1978, 1340 U.N.T.S 61 ("MARPOL PROTOCOL").

To follow on June 13, 2013 Captain of the Port, U.S Coast Guard Captain C.P Scraba, on behalf of the Coast Guard Sector Miami, wrote to U.S Customs and Border Protection ("CBP") at the Port of West Palm Beach and requested that the CBP withhold clearance for the Vessel to depart the port on the grounds that it had reasonable cause to believe that the Vessel had violated MARPOL, the Act to Prevent Pollution from Ships ("APPS"), as well as "other criminal and/or environmental laws. On that same date Captain Scraba submitted a letter to the Master/Agent of the Vessel advising that CBP had withheld departure clearance for the Vessel at the Coast Guard's request.

The letter in its entirety read as follows:

The Coast Guard has exercised its authority under 33 USC 1908(e) to request the withholding of the clearance, permit to proceed, or permit to depart of the Vessel M/V Monarch Empress because on or about June 13 2013, Monarch Empress, its owners, operators, or person in charge may be subject to a fine or civil penalty under 33 USC 1901 et. seq and relevant regulations found in 33 CFR Subchapter O.

Customs and Border Protection has withheld departure clearance for the Vessel M/V Monarch Empress as required by 33 USC 1908(e), 46 USC 60105, and 19 CFR 4.66a. Clearance may be granted upon the filing of a surety satisfaction to the Secretary, which includes a financial bond and other pledges and promises. The Bond amount shall be forfeited if , upon proper notice to the U.S Agent designated to accept service, the owner or operator fails to meet the terms of the surety satisfactory. Any movement of your Vessel prior to acceptance of the surety is prohibited except as authorized by the COPT Sector Miami.

The district Seven Coast Guard Legal Office will coordinate negotiations with the Vessel's owner and operator to obtain surety satisfactory to the Secretary. Once surety is received, you will be notified so that clearance may be granted to the Vessel. Captain James Carlson is your point of contact for this matter. He can be reached at (305) 415-6950.

I request that you forward this letter to the Owner/Operator of the M/V Monarch Empress or the designated representative. You may appeal the decision to withhold departure clearance or the underlying examination in accordance with the processes set out in 33 CFR 160.7 or 46 CFR 1.03-20, respectively. Should you have any questions or concerns, please contact the legal officer above.

ARGUMENTS

Issue 1:

It is undisputed that during the time frame indicated in the case in the Southern District of Florida that Monarch Empress the Vessel contaminated Haitian waters contributing to the destruction of its Sea Life, Polluting its Ecosystem and also additionally place in grave danger the health of Haitians that not only consume seafood products locally but also distributes it throughout the Country. On record it has been admitted that the decanting of bilge water occurred 30 times. Further they admit doing it in Haitian waters. It appears that Monarch Empress and its operators were only allowed to return to Haitian waters and further contaminate its waters. This has only been allowed to continue because Haiti is a Nation of a majority of African descendants.

Issue 2:

It is also undisputed that the United States Coast Guard its personnel and that of the United States Customs and Border Protection did not take any actions to advise the Haitian Government of this situation. At the minimum the Haitian Government's representative at the Miami Consulate could have been contacted. A great majority of the population depend on the products of the Sea to consume and or barter for other products. Again the actions of the United States Agencies which dealt with the issue, they were not concerned with the health and safety of Haitians descendants of Africa. Specifically Captain Scarba had the duty to communicate with Haitian authorities. Had this fact been know, Monarch Empress would have been banned from entering Haitian port and prosecuted and fined.

Conclusion:

As a result of these listed violations and lack of actions to safeguard life at Sea, human health, and water pollution, I bring this Class Action Suit against the listed parties and request relief in teh amount of \$30,000,000 for damages to be distributred to the people of Haiti so affected.

Date

3/12/2019

Kurt Zamor



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